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Attorney for Defendant Alejandro Arroyo-Lopez

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

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|---------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| |) | |
| Plaintiff, |) | Case No. 3:10-CR-00510-JO-1 |
| |) | |
| v. |) | DEFENDANT ALEJANDRO |
| |) | ARROYO-LOPEZ SENTENCING |
| |) | MEMORANDUM |
| ALEJANDRO ARROYO-LOPEZ, |) | |
| |) | |
| Defendant. |) | |

Defendant, Alejandro Arroyo-Lopez, through his attorney, Benjamin Kim, submits this sentencing memorandum.

I. INTRODUCTION

On February 6, 2013 Mr. Arroyo-Lopez plead guilty on a single count of Conspiracy to Distribute and Possess with Intent to Distribute Methamphetamine and Cocaine as alleged in Count One of the Superseding Indictment. The Government has agreed to dismiss the remaining Counts Two and Three. Mr. Arroyo-Lopez' plea was pursuant to a plea agreement with the Government. Mr. Arroyo agrees with the Government's recitation of salient points of the plea agreement as set forth in the Government's Sentencing Memorandum.

II. BACKGROUND

Mr. Arroyo-Lopez is 35 year old citizen of Mexico. He is one of nine children. In 2010, Mr. Arroyo-Lopez moved from California to Oregon in order to find work to support his children.

Mr. Arroyo-Lopez worked primary in landscaping and was well liked by his employers. In California, he worked primarily at the Suisan Marsh Hunting Preserve until that business closed in 2005. In October 2010, he moved to Salem to find work and eventually moved to Woodburn, Oregon. During this time, he sought legal employment in landscaping and started a business building outdoor kitchens.

During the commission of the charged offense, Mr. Arroyo-Lopez was the driver of the vehicle that delivered drugs to Jeffery Preciado. Mr. Arroyo-Lopez was not the source of supply for the drugs. His role was limited to driving co-defendant Jose Texco-Hilario to Preciado's home to deliver the drugs. He has been in continuous custody since his arrest on November 17, 2010.

III. GUIDELINE CALCULATION

Defendant agrees with the guideline calculation in the Government's sentencing memorandum.

IV. SENTENCING RECOMMENDATION

Mr. Arroyo-Lopez agrees with the Government and recommends the Court impose the mandatory minimum sentence of 120 months. Mr. Arroyo-Lopez disagrees with the PSR recommendation to impose the longer sentence pursuant to the advisory sentencing guidelines. Compared to the co-defendant's, as well as defendants charged in separate indictments stemming from the same investigation, Mr. Arroyo-Lopez's conduct was the most minimal. A sentence of

10 years is sufficient but not greater than necessary pursuant to factors set forth in 18 USC §3553. While the conduct is serious, Mr. Arroyo-Lopez was not involved in the planning to sell drugs. He was neither the purchaser nor the supplier. Mr. Arroyo-Lopez was simply the driver for the person who actually delivered the drugs. While defendant has had three prior convictions, they were all misdemeanors for which he received a total of 90 days. A sentence of greater than 120 months would be greater than necessary to conform to the factors under §3553.

V. FORFEITURE

The items set forth in the Government's Preliminary Order of Forfeiture were not seized from Mr. Arroyo-Lopez and he does not claim any interest or ownership of those items. As such he does not object to the Preliminary Order.

RESPECTFULLY SUBMITTED this 17th day of MAY, 2013.

/s/ Benjamin Kim
BENJAMIN B. KIM, OSB NO. 066426
Attorney for Defendant